

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIJAH DEWAYNE HICKS,

Defendant.

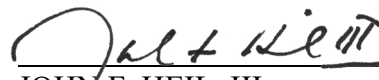
Case No. 21-CR-379-JFH

OPINION AND ORDER

Before the Court is an Opposed Motion to Dismiss Counts Two and Three for Failure to State an Offense (“Motion”) filed by Defendant Elijah Dewayne Hicks (“Defendant”). Dkt. No. 138.

As Defendant himself relents, the legal arguments raised by Defendant have been expressly rejected by the Tenth Circuit in *United States v. Kepler*, 74 F.4th 1292 (10th Cir. 2023). Given this controlling precedent, Defendant’s Motion is DENIED.

Dated this 2nd day of December 2024.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE